UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,886	08/27/2001	Kevin O'Rourke	2001P07800US01	4813

7590   06/17/2004

Elsa Keller
SIEMENS CORPORTION
Intellectual Property Department, Legal Assistant
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER
NGUYEN, LE V

ART UNIT	PAPER NUMBER
2174	5

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/939,886	O'ROURKE, KEVIN
	Examiner	Art Unit
	Le Nguyen	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Specification

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

include the following reference sign(s) not mentioned in the description: 865 and 887 of figs. 8A.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the

reference sign(s) in the description, are required in reply to the Office action to avoid

abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. The examiner finds the term "hierarchical" used in the phrase "initiating

communication on the plurality of communication links one at a time in a predetermined

hierarchical order" to be erroneous and will interpret it as "in a predetermined sequential order".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-8 and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by

Maynaud.

As per claim 1, Maynaud teaches a method for transferring medical record information of

a patient between portable processing devices (Abstract; fig. 16, *element 200*), comprising the

steps of: on a first portable processing device,

selecting information to be transferred in response to user command (fig. 1, *element 16*

"Mail");

establishing a communication link with a second portable processing device (fig. 1); and

communicating patient identification information and the selected information on the

established communication link in response to user selection of a displayed icon (fig. 1; col. 10,

lines 11-31; col. 50, lines 48-54; *users communicate patient record access code or patient*

identification and selected information via displayed icon "Mail").

As per claim 2, Maynaud teaches a method for transferring medical record information of

a patient between portable processing devices wherein the step of selecting information to be

transferred comprises selecting at least one of, (a) medical information associated with a plurality

of patients, (b) medical information associated with a specific patient, (c) laboratory test results

for a specific patient, (d) a medical report associated with a plurality of patients and (e) medical

information associated with a specific healthcare provider and an associated group of patients

(Abstract; fig. 1; col. 10, lines 11-31).

As per claim 3, Maynaud teaches a method for transferring medical record information of

a patient between portable processing devices wherein the step of selecting information to be

transferred includes the step of supporting user navigation, in response to user command,

through a plurality of display images to enable selection of the information to be transferred (col.

26, lines 2-30).

As per claim 4, Maynaud teaches a method for transferring medical record information of

a patient between portable processing devices including the step of configuring the method of

transferring patient record information between portable processing devices by pre-selecting data

elements comprising the patient identification information (fig. 1; col. 10, lines 11-31).

As per claim 5, Maynaud teaches a method for transferring medical record information of

a patient between portable processing devices wherein the data elements comprising the patient

identification information include at least two of (a) username, (b) password, (c) patient

identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application

identification supporting return of control to the calling application upon completion of

communication on an established link (col. 10, lines 12-15 and 44-51; col. 17, lines 44-53).

As per claim 6, Maynaud teaches a method for transferring medical record information of

a patient between portable processing devices including the steps of validating user authorization

to access the selected information and inhibiting communication of the selected information on

the established communication link in response to unsuccessful validation of user authorization

to access the selected information (col. 10, lines 12-15).

As per claims 7 and 8, Maynaud teaches a method for transferring medical record

information of a patient between portable processing devices including the steps of authorizing a

second user access to the selected information, the second user being an intended recipient of the

communicated selected information, inhibiting communication of the selected information on the

established communication link in response to unsuccessful validation of second user

authorization to access the communicated selected information and receiving second user

authorization information identifying a second user's authorization to access the selected

information (col. 10, lines 20-31).

As per claim 17, Maynaud teaches a method for receiving medical record information

communicated to a first receiving portable processing devices from a second portable processing

device, comprising the steps of:

on a first receiving portable processing device (col. 10, lines 12-31);

validating user authorization to access medical information, establishing a

communication link with a second portable processing device (fig. 1); and

inhibiting access to the medical information in response to unsuccessful validation of user

authorization, the inhibiting access being performed by at least one of (a) inhibiting receiving the

medical information the associated patient identification information on the established

communication link, and (b) inhibiting storing the medical information and associated patient

identification information received on the established communication link (col. 10, lines 12-31).

As per claim 18, Maynaud teaches a method for receiving medical record information

communicated to a first receiving portable processing devices from a second portable processing

device including the steps of initiating generation of a message to prompt a user to affirm receipt

of the medical information is desired and inhibiting receipt of the medical information in

response to a non-affirmation (col. 10, lines 12-31; col. 18, lines 42-46; *users may set the level of*

medical information access so that only those allowed access may affirm their accessibility for

receipt of the medical information and those not able to affirm their accessibility is denied

receipt of the medical information).

As per claim 19, Maynaud teaches a method for receiving medical record information communicated to a first receiving portable processing devices from a second portable processing device wherein the validation of user authorization comprises password validation (col. 10, lines 12-31).

As per claim 20, Maynaud teaches a method for receiving medical record information communicated to a first receiving portable processing devices from a second portable processing device including the step of configuring the method of transferring patient record information between portable processing devices by pre-selecting data elements comprising the patient identification information (fig. 1; col. 10, lines 11-31).

As per claim 21, Maynaud teaches a method for receiving medical record information communicated to a first receiving portable processing devices from a second portable processing device include at least two of (a) username, (b) password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification supporting return of control to the calling application upon completion of communication on an established link (col. 10, lines 12-15 and 44-51; col. 17, lines 44-53).

Claim 22 is similar in scope to claim 1 and is therefor rejected under similar rationale.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 9, 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maynaud in view of Rothschild et al. ("Rothschild") in view of Microsoft Internet Explorer 5.0

("IE").

As per claim 9, Maynaud teaches a method for transferring medical record information of

a patient between portable processing devices including the step of storing a plurality of

communication settings associated with a plurality of corresponding communication links

wherein an acknowledgement is received within a predetermined time-out window, indicating a

communication link with a second portable processing device is established (col. 12, lines 18-33;

fig. 3; col. 42, lines 9-12; col. 25, lines 15-19; *the message "Remote Retrieval" is displayed*

when additional time is taken to access remote databases while update button 58 in window 39

can be a simple blinking indicator alerting the user that their device is communicating with the

host computer), Maynaud does not explicitly disclose sequentially initiating communication on

individual communication links, one at a time, using associated corresponding communication

settings until an acknowledgement is received within a predetermined time-out window,

indicating a communication link with a second portable processing device is established. IE

teaches sequentially initiating communication on individual communication links, one at a time,

using associated corresponding communication settings (pages 1-2). Therefore, it would have

been obvious to an artisan at the time of the invention to include IE's sequentially initiating

communication on individual communication links, one at a time, using associated

corresponding communication settings to Maynaud's method for transferring medical record

information of a patient between portable processing devices including the step of storing a

plurality of communication settings associated with a plurality of corresponding communication

links wherein an acknowledgement is received within a predetermined time-out window,

indicating a communication link with a second portable processing device is established so that

in case of a bad channel, connection can still be established.

As per claims 12, 14 and 16, the modified Maynaud teaches a method for transferring

medical record information of a patient between portable processing devices wherein the

communication settings comprise a set of communication settings applicable to a corresponding

individual communication link and wherein the initiating communication step comprises

initiating communication on the plurality of communication links one at a time in a

predetermined sequential/hierarchical order and including the step of repeating the initiating

communication step for a predetermined number of times until a connection is established or a

communication failure is declared (IE: pages 1-2; Maynaud: fig. 3; col. 42, lines 9-12; col. 25,

lines 15-19).

As per claim 10, the modified Maynaud teaches a method for transferring medical record

information of a patient between portable processing devices wherein the plurality of

communication links comprise at least two (a) connection via a PC compatible serial port, (b)

connection via an infra-red link to a PC compatible serial port, (c) connection via an Ethernet

compatible network (d) connection via an infra-red link to an Ethernet compatible network and

(e) a wireless network connection (Maynaud: col. 45, line 35 through col. 46, line 15).

As per claim 13, the modified Maynaud teaches a method for transferring medical record

information of a patient between portable processing devices wherein the set of communication

settings include at least two of (a) data rate, (b) protocol identifier, (c) sender identifier code, (d)

error handling code identifier and (e) data format identifier (IE: pages 1-3; Maynaud: fig. 3; col.

42, lines 9-12; col. 25, lines 15-19; col. 45, line 35 through col. 46, line 15).

As per claim 15, the modified Maynaud teaches a method for transferring medical record

information of a patient between portable processing devices wherein the data elements

comprising the patient identification information include at least two of (a) username, (b)

password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling

application identification supporting return of control to the calling application upon completion

of communication on an established link (Maynaud: col. 10, lines 12-15 and 44-51).

8.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maynaud in view

of Microsoft Internet Explorer 5.0 ("IE") as applied to claim 9, and further in view of Rothschild

et al. ("Rothschild").

As per claim 11, although the modified Maynaud teaches a method for transferring

medical record information of a patient between portable processing devices wherein a step of

sequentially initiating communication is performed to establish communication (fig. 3; col. 42,

lines 9-12; col. 25, lines 15-19), the modified Maynaud does not explicitly disclose that the step

of sequentially initiating communication is performed upon detection of a lost connection.

Rothschild teaches a method for transferring medical record information of a patient between

processing devices (9[0086]) wherein a step of sequentially initiating communication is

performed automatically upon detection of a lost connection to support seamless operation

(9[0088]). Therefore, it would have been obvious to an artisan at the time of the invention to

include Rothschild's step of sequentially initiating communication is performed automatically

upon detection of a lost connection to support seamless operation to the modified Maynaud's

step of sequentially initiating communication is performed to establish communication in order

to provide users with uninterrupted communication and save time from having to manually

reestablish communication.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Myers et al. (US 5,832,450) teach an electronic medical record using text database.

Camarda et al. (US 6,587,829) teach a method and apparatus for improving patient

compliance with prescriptions.

Sjoqvist (US 6,610,010 B2) teaches a portable telemedicine device.

Melrose (US 6,272,468 B1) teaches a clinical, administrative, research and teaching

(chart) java-web-object information system for medical record management predicated on human

body anatomy and physiology multi-media modeling.

Inquires

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Lê whose telephone number is **(703) 305-7601**. The

examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication] Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
June 1, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100